



FISCAL MEMORANDUM

HB 1081 - SB 963

March 16, 2023

SUMMARY OF BILL AS AMENDED (005510): Requires a court, when sentencing a defendant for one or more offense that is considered to be an assaultive offense, criminal homicide, kidnapping, false imprisonment, robbery, or a sexual offense, to consider whether the defendant was a law enforcement officer and committed the offense while engaged in the performance of the officer's official duties as a factor for potential enhancement of the sentence.

FISCAL IMPACT OF BILL AS AMENDED:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- Tennessee Code Annotated § 40-35-114 provides a list of circumstances that must be considered by a court as advisory factors in determining whether to enhance a defendant's sentence.
- The proposed legislation adds the circumstance in which a law enforcement officer commits an offense considered to be an assaultive offense, criminal homicide, kidnapping, false imprisonment, robbery, or a sexual offense while engaged in the performance of the officer's official duties as such a circumstance.
- Pursuant to Tenn. Code Ann. § 40-35-114, the court is required to consider such circumstances for enhancement purposes, but is not bound by them. The court retains the authority of discretion in determining whether or not those circumstances warrant an enhanced sentence.
- It is assumed that at some point in time the inclusion of this circumstance may be a determining factor in a court's decision to enhance such a defendant's sentence.
- However, such an occurrence is assumed to be rare, and as such, is not estimated to significantly increase state or local expenditures related to incarceration or state or local revenue related to criminal fines.
- Any fiscal impact to state or local government is therefore estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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